IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH,
AT HYDERABAD

THE HON'BLE SRI JUSTICE A. GOPAL REDDY

WRIT PETITION No. 19871 OF 2000

Date:18.07.2007

BETWEEN:

1. A.P.State Road Transport Corporation, Mushirabad, Hyderabad, rep. By its Managing Director, and another.

…. PETITIONERS

And

1. State Transport Appellate Tribunal, A.P. Hyderabad, rep. By its Presiding Officer, and others.

…. RESPONDENTS

ORDER:

The third respondent applied for grant of a pucca stage carriage permit to ply as town service on the route Gotlam to A.J.Mills (via) Gajularegu, Old Bus-stand, Janata Bazar, Fort Junction, Balaji Junction, TRC Complex and Court Complex. The Regional Transport Authority, Vizianagaram, in its meeting held on 27.9.1995 at item No.7 rejected the application filed by the third respondent on the ground that there is no protection given to the future permit holders. Aggrieved by the same, the third respondent preferred an appeal in A.P.No.263/95 and 265/95 before the Regional Transport Appellate Tribunal and the Appellate Tribunal remanded the matter for fresh consideration. On such remand, the second respondent-Regional Transport Authority by its resolution dated 06.11.1997 rejected the application filed by the third respondent holding that there is no protection given to the future permit holders under the approved scheme in G.O.Ms.No.785/75, G.O.Ms.No.665/87 and G.O.Ms.No.817/87 and since the application made by the third respondent is for future permit and in the absence of any protection given to the future permits, permit cannot be granted.

The third respondent successfully assailed the said order before the State Transport Appellate Tribunal in A.P.No.53 of 1998. The State Transport Appellate Tribunal by the impugned order dated 04.07.2000 held that the total overlapping is 7.6

kms., and since the distance beyond the municipal limits is below 8 kms., as per the report and sketch of the Motor Vehicles Inspector, there is no need for obtaining permission from the Transport Commissioner under Rule 258 (2) (ii) of the A.P. Motor Vehicles Rules, 1989 (for short 'the Rules') and the third respondent is entitled for grant of permit as applied for and accordingly set aside the impugned order passed by the Regional Transport Authority with a direction to the second respondent to grant one pucca stage carriage permit for the route applied for by the third respondent, within four months from the date of receipt of the said order on producing relevant records as required under the Motor Vehicles Act,1988 and the Rules made thereunder. Challenging the order passed by the State Transport Appellate Tribunal, the petitioners filed the present writ petition.

The Supreme Court in **A.P.S.R.T.C v. Regional Transport Authority**[1] held as under

> Under Exception 2 permits can be issued only to existing town services operating on the notified routes. That means only existing operators on the notified routes are eligible for permits. Fresh applicants or future applicants are totally ineligible for getting permits for town services on notified routes and accordingly allowed the appeals setting aside the impugned judgment of this Court in W.P.Nos.17729 of 1990 and batch dated 15.03.2001.

In view of the authoritative pronouncement of the Apex Court as referred to above, the Writ Petition is allowed setting aside the impugned order passed by the first respondent. There shall be no order as to costs.

(A. Gopal Reddy, J.)

18th July, 2007
Js.

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[1] (2005) 4 SCC 391